

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 21-178
Post-Transition Table of DTV Allotments,)	RM-11905
Television Broadcast Stations)	
(New Orleans, Louisiana))	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: July 2, 2021

Released: July 2, 2021

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking¹ issued in response to a Petition for Rulemaking filed by The Greater New Orleans Educational Television Foundation (Petitioner), the licensee of noncommercial educational PBS member station WYES-TV, channel *11, New Orleans, Louisiana. The Petitioner requests the substitution of channel *28 for channel *11 at New Orleans, Louisiana in the DTV Table of Allotments.²

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules,³ reaffirming its commitment to apply for channel *28. No other comments were filed.⁴ We believe the public interest would be served by substituting channel *28 for channel *11 at New Orleans, Louisiana. In support of its channel substitution request, the Petitioner states that WYES-TV is the only station licensed to New Orleans operating on a VHF channel, and moving to a UHF channel would improve viewers' access to WYES-TV's PBS and other public television programming by improving indoor reception and resolving VHF reception issues.⁵ In addition, the Petitioner submitted an analysis, using the Commission's *TVStudy* software analysis program, demonstrating that it will continue to serve all of the population located within the licensed channel *11 contour.⁶

¹ *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Stations (New Orleans, Louisiana)*, MB Docket No. 21-178, Notice of Proposed Rulemaking, DA 21-460 (rel. Apr. 21, 2021) (*NPRM*).

² As noted in the *NPRM*, on April 13, 2017, the Commission completed the incentive auction and broadcast television spectrum repacking authorized by the Spectrum Act, and the post-incentive auction transition period ended on July 13, 2020. The Bureau will amend the rules to reflect all new full power channel assignments in a revised Table of Allotments, but because the Table has not yet been amended, the Bureau has continued to refer to the Post-Transition Table of DTV Allotments, 47 CFR § 73.622(i) (2018), for the purpose of this proceeding. See *NPRM* at n.2.

³ 47 CFR §§ 1.415, 1.419; see also *Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-729, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (Aud. Div. 2009).

⁴ Mr. Caesar Guyot of New Orleans filed comments in the docket in this proceeding on May 17, 2021, but the comments were unrelated to the Petitioner's proposed channel substitution for WYES-TV.

⁵ *NPRM* at para. 2. Petitioner further states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, including allowing undesired signals and noise at relatively further distances, and the tendency of nearby electrical devices to emit noise in the VHF band that can cause interference to stations on VHF channels. *Id.*

⁶ *Id.*

3. As proposed, channel *28 can be substituted for channel *11 at New Orleans, Louisiana, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules (rules),⁷ at coordinates 29-57-14.0 N and 089-56-58.0 W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:⁸

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
New Orleans, Louisiana	*28	1000	306	1,674,833

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to section 553(d)(3) of the Administrative Procedure Act.⁹ An expedited effective date is necessary in this case to ensure that WYES-TV can operate with improved service to its viewers as quickly as possible.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g), (r) and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b) and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED**, That effective immediately upon the date of publication in the Federal Register, the DTV Table of Allotments, section 73.622(i) of the Commission's rules, 47 CFR § 73.622(i), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
New Orleans, Louisiana	15, 21, 26, *28, 29, *31, 36, 43, 50

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, The Greater New Orleans Educational Television Foundation shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel *28 in lieu of channel *11.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 21-178 and RM-11905 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, (202) 418-1647, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁷ 47 CFR § 73.625(a).

⁸ 47 CFR §§ 73.616, 73.623.

⁹ 5 U.S.C. § 553(d)(3).